



Waukesha County
Department of Parks and Land Use

MEMORANDUM

To: Waukesha County Park and Planning Commission Members

From: Rebekah Leto, Senior Land Use Specialist

Date: August 20, 2020

Subject: **File No. PPC20_003**
Remnant parcel waiver, Section 2.3 of the Waukesha County Shoreland and Floodland Subdivision Control Ordinance

Location: Part of the W ½ of the SW ¼ of Section 24, T8N, R17E, Town of Oconomowoc (Tax Key No. 0527.997.004). More specifically, the property is located at N67 W34891 C.T.H. K.

Owner: Ireland Farms, LLC, N67 W34891 County Road K, Oconomowoc WI 53066

Applicant: Jon Spheeris, 175 E. Wisconsin Ave, Suite A, Oconomowoc WI 53066

The 45-acre subject property is located on the south side of C.T.H. K and has historically been farmed. A farmhouse and multiple outbuildings are present on the north side of the property, with access from C.T.H. K. The petitioners are proposing to divide the farmhouse from the remnant lands on an approximately one-acre parcel via Certified Survey Map (CSM) (Exhibit A). The outbuildings are proposed to be removed. The petitioners have also proposed a 31-lot subdivision (Exhibit B) for the remnant parcel, which is pending approval. The subdivision lots are a consistent size and shape as proposed Lot 1 of the CSM.

The Department of Public Works has expressed an issue with the way the CSM is being developed in tandem with the plat. DPW previously reviewed a concept plat that included the farm parcel as a subdivision lot, rather than a separately platted lot. Chapter 15 Section 15-55 of the Waukesha County Code states that when a property has access to a local road and a county trunk highway, access to the property must come from the local road, unless under exceptional circumstances. DPW's desire to relocate the existing driveway to the proposed internal street as an effort to comply with the Code was expressed with the developer following a Development Review Team meeting in late 2019. While proposed Lot 1 is not seeking new direct access to the county highway, the Department is reviewing access and safety of the overall development of the parcel.

Planning and Zoning

The proposed parcel is subject to the Waukesha County Zoning Code and the remnant lands are subject to both the Waukesha County Zoning Code and the Waukesha County Shoreland and Floodland Protection Ordinance. The property recently was rezoned from A-T Agricultural Transition District, which requires a minimum 35 acre lot size, to the R-2 Residential District (min. lot size 30,000 sq. ft.). The proposal submitted with the rezone includes the farmhouse lot as part of the plat and not a separate CSM lot. The Town and County Comprehensive Development Plans both designate the subject parcel as Low Density Residential (20,000 sq. ft.-1.4 acres/dwelling unit). The proposed parcel complies with both plans.

Section 2.3 of the Waukesha County Shoreland and Floodland Subdivision Control Ordinance requires that a residual parcel resulting from a division of land must be included in the Certified Survey Map. The developer has expressed that the existing farmhouse is in good condition and is not proposed to be removed. Given that the farmhouse is of a different style than future homes of the proposed subdivision, it is understandable that the developer desires that proposed Lot 1 be separated from the surrounding subdivision plat. However, the Department of Public Works has indicated to the town and county staff and the developer that they are not in favor of the existing driveway to remain once access to the parcel can be obtained via an internal street. The Town of Oconomowoc approved the CSM and remnant parcel waiver on June 15, 2020. The Planning and Zoning Division staff recommends **conditional approval** of this request, subject to the conditions listed below.

1. Per the Department of Public Works, the existing driveway serving proposed Lot 1 of the CSM shall be relocated to the new public road abutting the parcel once it is available and the connection to C.T.H. K abandoned.
2. It must be noted on the Certified Survey Map that the Waukesha County Park and Planning Commission granted a waiver from the requirement to include the remnant parcel on the Certified Survey Map on August 20, 2020.

This approval waives the requirement that the remnant parcel must be included on the Certified Survey Map.

Attachment: Exhibit A - Certified Survey Map, Sheet 1
Exhibit B – Proposed Plat, Sheet 1

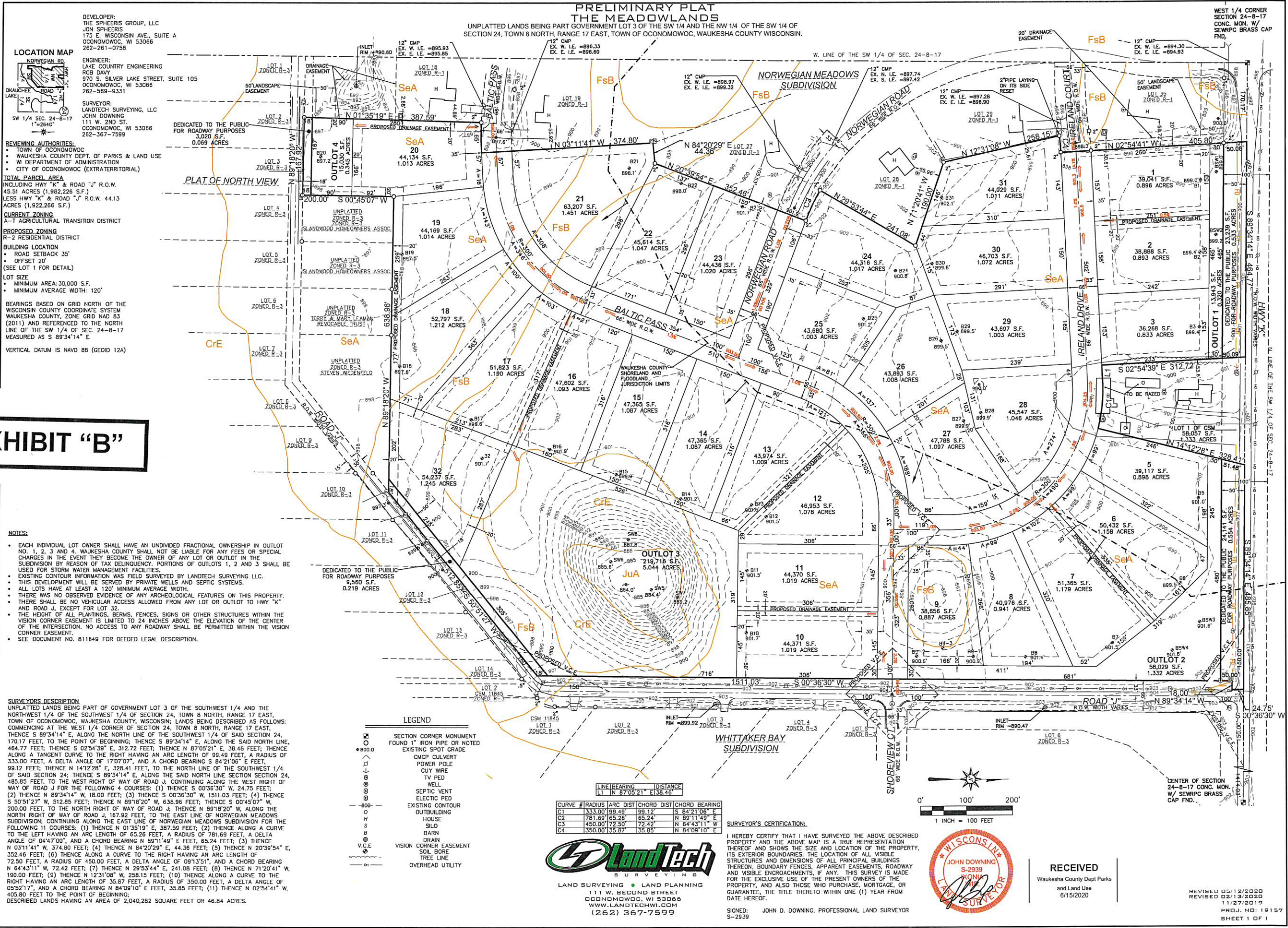


EXHIBIT "B"

- NOTES:
- EACH INDIVIDUAL LOT OWNER SHALL HAVE AN UNDIVIDED FRACTIONAL OWNERSHIP IN OUTLOT NO. 1, 2, 3 AND 4. WAUKESHA COUNTY SHALL NOT BE LIABLE FOR ANY FEES OR SPECIAL CHARGES IN THE EVENT THEY BECOME THE OWNER OF ANY LOT OR OUTLOT IN THE SUBDIVISION BY REASON OF TAX DELINQUENCY. PORTIONS OF OUTLOTS 1, 2 AND 3 SHALL BE USED FOR STORM WATER MANAGEMENT FACILITIES.
 - EXISTING CONTOUR INFORMATION WAS FIELD SURVEYED BY LANDTECH SURVEYING, LLC.
 - THIS DEVELOPMENT WILL BE SERVED BY PRIVATE WELLS AND SEPTIC SYSTEMS.
 - ALL LOTS HAVE AT LEAST A 120' MINIMUM AVERAGE WIDTH.
 - THERE WAS NO OBSERVED EVIDENCE OF ANY ARCHEOLOGICAL FEATURES ON THIS PROPERTY.
 - THERE SHALL BE NO VEHICULAR ACCESS ALLOWED FROM ANY LOT OR OUTLOT TO HWY "K" AND ROAD J, EXCEPT FOR LOT 32.
 - THE HEIGHT OF ALL PLANTINGS, BERMS, FENCES, SIGNS OR OTHER STRUCTURES WITHIN THE VISION CORNER EASEMENT IS LIMITED TO 24 INCHES ABOVE THE ELEVATION OF THE CENTER OF THE INTERSECTION. NO ACCESS TO ANY ROADWAY SHALL BE PERMITTED WITHIN THE VISION CORNER EASEMENT.
 - SEE DOCUMENT NO. 811649 FOR DEEDED LEGAL DESCRIPTION.

SURVEYOR'S DESCRIPTION

UNPLATTED LANDS BEING PART OF GOVERNMENT LOT 3 OF THE SOUTHWEST 1/4 AND THE NORTHWEST 1/4 OF THE SOUTHWEST 1/4 OF SECTION 24, TOWN 8 NORTH, RANGE 17 EAST, TOWN OF OCONOMOWOC, WAUKESHA COUNTY, WISCONSIN; LANDS BEING DESCRIBED AS FOLLOWS: COMMENCING AT THE WEST 1/4 CORNER OF SECTION 24, TOWN 8 NORTH, RANGE 17 EAST, THENCE S 89°34'14" E, ALONG THE NORTH LINE OF THE SOUTHWEST 1/4 OF SAID SECTION 24, 170.17 FEET, TO THE POINT OF BEGINNING; THENCE S 89°34'14" E, ALONG THE SAID NORTH LINE, 464.77 FEET; THENCE S 02°54'39" E, 312.72 FEET; THENCE N 87°05'21" E, 38.46 FEET; THENCE ALONG A TANGENT CURVE TO THE RIGHT HAVING AN ARC LENGTH OF 99.49 FEET, A RADIUS OF 333.00 FEET, A DELTA ANGLE OF 17°07'07", AND A CHORD BEARING S 84°21'08" E, 99.12 FEET; THENCE N 14°12'28" E, 328.41 FEET, TO THE NORTH LINE OF THE SOUTHWEST 1/4 OF SAID SECTION 24; THENCE S 89°34'14" E, ALONG THE SAID NORTH LINE SECTION 24, 485.85 FEET, TO THE WEST RIGHT OF WAY OF ROAD J; CONTINUING ALONG THE WEST RIGHT OF WAY OF ROAD J FOR THE FOLLOWING 4 COURSES: (1) THENCE S 00°36'30" W, 24.75 FEET; (2) THENCE N 89°34'14" W, 18.00 FEET; (3) THENCE S 00°36'30" W, 1811.03 FEET; (4) THENCE S 50°51'27" W, 512.85 FEET; THENCE N 89°18'20" W, 638.96 FEET; THENCE S 00°45'07" W, 200.00 FEET, TO THE NORTH RIGHT OF WAY OF ROAD J; THENCE N 89°18'20" W, ALONG THE NORTH RIGHT OF WAY OF ROAD J, 167.92 FEET, TO THE EAST LINE OF NORWEGIAN MEADOWS SUBDIVISION; CONTINUING ALONG THE EAST LINE OF NORWEGIAN MEADOWS SUBDIVISION FOR THE FOLLOWING 11 COURSES: (1) THENCE N 01°35'19" E, 387.59 FEET; (2) THENCE ALONG A CURVE TO THE LEFT HAVING AN ARC LENGTH OF 65.26 FEET, A RADIUS OF 781.69 FEET, A DELTA ANGLE OF 0°47'00", AND A CHORD BEARING N 89°11'49" E, 65.24 FEET; (3) THENCE N 03°11'41" W, 374.80 FEET; (4) THENCE N 84°20'29" E, 44.36 FEET; (5) THENCE N 20°39'54" E, 352.46 FEET; (6) THENCE ALONG A CURVE TO THE RIGHT HAVING AN ARC LENGTH OF 72.50 FEET, A RADIUS OF 450.00 FEET, A DELTA ANGLE OF 09°13'51", AND A CHORD BEARING N 64°43'11" W, 72.42 FEET; (7) THENCE N 29°53'44" E, 241.08 FEET; (8) THENCE N 71°20'41" W, 190.00 FEET; (9) THENCE N 12°31'08" W, 258.15 FEET; (10) THENCE ALONG A CURVE TO THE RIGHT HAVING AN ARC LENGTH OF 35.87 FEET, A RADIUS OF 350.00 FEET, A DELTA ANGLE OF 05°52'17", AND A CHORD BEARING N 84°09'10" E, 35.85 FEET; (11) THENCE N 02°54'41" W, 405.80 FEET TO THE POINT OF BEGINNING.

DESCRIBED LANDS HAVING AN AREA OF 2,040,282 SQUARE FEET OR 46.84 ACRES.

LEGEND

- SECTION CORNER MONUMENT FOUND 1" IRON PIPE OR NOTED
- EXISTING SPOT GRADE
- CMCP CULVERT
- POWER POLE
- GUY WIRE
- TV PED
- WELL
- SEPTIC VENT
- ELECTRIC PED
- EXISTING CONTOUR
- OUTBUILDING
- HOUSE
- SILLO
- BARN
- DRAIN
- VISION CORNER EASEMENT
- SOL BORE
- TREE LINE
- OVERHEAD UTILITY

LINK BEARING DISTANCE

LI IN 87°05'21" E 38.46

CURVE #	RADIUS	ARC DIST	CHORD DIST	CHORD BEARING
C1	333.00	99.49	99.12	S 84°21'08" E
C2	781.69	65.26	65.24	N 89°11'49" E
C3	450.00	72.50	72.42	N 64°43'11" W
C4	350.00	35.87	35.85	N 84°09'10" E

LandTech

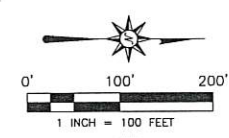
LAND SURVEYING • LAND PLANNING

111 W. SECOND STREET
OCONOMOWOC, WI 53066
WWW.LANDTECHWI.COM
(262) 367-7599

SURVEYOR'S CERTIFICATION:

I HEREBY CERTIFY THAT I HAVE SURVEYED THE ABOVE DESCRIBED PROPERTY AND THE ABOVE MAP IS A TRUE REPRESENTATION THEREOF AND SHOWS THE SIZE AND LOCATION OF THE PROPERTY, ITS EXTERIOR BOUNDARIES, THE LOCATION OF ALL VISIBLE STRUCTURES AND DIMENSIONS OF ALL PRINCIPAL BUILDINGS THEREON, BOUNDARY FENCES, APPARENT EASEMENTS, ROADWAY AND VISIBLE ENCROACHMENTS, IF ANY. THIS SURVEY IS MADE FOR THE EXCLUSIVE USE OF THE PRESENT OWNERS OF THE PROPERTY, AND ALSO THOSE WHO PURCHASE, MORTGAGE, OR GUARANTEE, THE TITLE THERETO WITHIN ONE (1) YEAR FROM DATE HEREOF.

SIGNED: JOHN D. DOWNING, PROFESSIONAL LAND SURVEYOR
S-2939



RECEIVED

Waukesha County Dept Parks
and Land Use
6/15/2020

REVISED 09/12/2020
REVISED 02/13/2020
1/12/2019
PROJ. NO: 19157
SHEET 1 OF 1